

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HOMESITE INSURANCE COMPANY
OF THE MIDWEST,
Plaintiff

No. 1:22cv1664

(Judge Munley)

(Magistrate Judge Carlson)

v.

NIVERTITI GEAITH and OMAR
EWIDEH,
Defendants

ORDER

AND NOW, this 22nd day of April 2024, for the reasons set forth in the accompanying memorandum, it is hereby **ORDERED** that:

- 1) The reports and recommendations of Magistrate Judge Martin C. Carlson dated July 11, 2023 (Doc. 137) and January 16, 2024 (Doc. 222) are **ADOPTED**;
- 2) The conclusion from the report and recommendation of the magistrate judge dated July 13, 2022 (Doc. 139) is **ADOPTED**;
- 3) Plaintiff Homesite Insurance Company of the Midwest's motion to dismiss (Doc. 112) Defendants Nivertiti Geath and Omar Ewideh's motion to dismiss/motion for summary judgment is **GRANTED**;

- 4) Defendants' motion to dismiss/motion for summary judgment (Doc. 67) is **DISMISSED**;
- 5) Plaintiff's motion for sanctions (Doc. 164) and motion to supplement (Doc. 214) are **GRANTED**;
- 6) Plaintiff's motion for default (Doc. 101) is **DISMISSED** as moot;
- 7) Default judgment is entered in favor of plaintiff and against defendants;
- 8) The following declaratory judgment is entered in favor of plaintiff and against defendants:
 - a. Plaintiff Homesite Insurance Company of the Midwest properly, adequately and completely adjusted Claim Nos. 01004564122 and 01004577379;
 - b. Defendants Nevertiti Geaith and Omar Ewideh, have breached their duty to cooperate under the Policy No. 38238426, which breach has prejudiced Plaintiff Homesite Insurance Company of the Midwest;
 - c. Defendants, Nevertiti Geaith and Omar Ewideh are barred from further recovery for Claim Nos. 01004564122 and 01004577379; due to fraud, misrepresentation, and concealment of material facts; and
 - d. There is no further coverage under Policy No. 38238426 for Claim Nos. 01004564122 and 01004577379.
- 9) All other pending motions on the docket (Docs. 227, 235, 243, 244, 257, and 269) are **DISMISSED** as moot; and

- 10) The Clerk of Court is directed to close this case.

BY THE COURT:



JUDGE JULIA K. MUNLEY
United States District Court